

ORIGINAL

1BR-360-5

RECEIVED

DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF RECLAMATION  
Fountain Square  
Columbus, Ohio 43224

MAY 21 1996

DIVISION OF MINES  
AND RECLAMATION  
ST. CLAIRSVILLE

APPLICATION FOR AN INCIDENTAL BOUNDARY REVISION  
This Form Cannot Be Utilized For The Removal Of Coal  
(File in-Quadruplicate)

1. Permittee's Name The Ohio Valley Coal Company Phone # (614) 926-1351
2. Address 56854 Pleasant Ridge Road Zip Code 43902  
Alledonia, Ohio
3. Coal Mining Permit # D-0360
4. Additional acres to be permitted 0.8
5. Has this acreage been affected? Yes \_\_\_\_\_, No X
6. Describe the reason this additional acreage is required.

Two air shafts were recently placed near by the site. This site is needed for a substation for power requirements.

7. Describe the activities to be conducted on this area.

Preparation of a flat construction pad that will be covered with durable, non-eroding material (rock).

8. Is the information contained in the previously approved permit application applicable to this revised area? Yes X, No \_\_\_\_\_.

If "no", describe any changes to the previously approved permit application that will apply to this revised area.

(continued on reverse side)

APPROVED ☒  
DISAPPROVED ☐  
INSP. J. D. Chah  
SUPVR. D  
DATE 5-21-96



9. LOCATION OF ADDITIONAL ACRES TO BE AFFECTED DURING PERMIT . . . (List all surface and mineral owners and all locations applicable to each ownership as shown on the location map. If owner name is repeated, show address only once. If permittee is owner, address is not necessary.)

NAME OF SURFACE AND MINERAL OWNERS	Twp. & Range	Section	Township	County
Name <u>Francil Earliwine</u> Address <u>46499 Hart Road</u> City & State <u>Belmont, Ohio 43718</u> Surface <u>X</u> Mineral <u>      </u> Zip <u>      </u>	T-6, R-4	22	Smith	Belmont
Name <u>The Ohio Valley Coal Company</u> Address <u>56854 Pleasant Ridge Road</u> City & State <u>Alledonia, Ohio 43950</u> Surface <u>      </u> Mineral <u>X</u> Zip <u>      </u>	T-6, R-4	22	Smith	Belmont
Name <u>                                  </u> Address <u>                                  </u> City & State <u>                                  </u> Surface <u>      </u> Mineral <u>      </u> Zip <u>      </u>				

(If additional space is needed, list on a separate sheet in this format.)

I, the undersigned authorized representative of the permittee, hereby attest that no coal has been or will be removed from the acreage identified in this application.

David L. Bartach  
Signature

Env. Coordinator  
Title

5-20-96  
Date

(FOR DIVISION USE ONLY)

This application is hereby approved by the Chief, Division of Reclamation and effective this date. The acreage identified in item 5 of this application is now part of permit 00360.  
(permit #)

8/6/96  
Date

Lisa J. Morris / by B. Sterling  
Chief, Division of Reclamation

\$ 2,000.00 of performance bond and \$ 60.00 acreage fee was received on 8/5/96.  
(Date)



## SUMP DESIGN

All surface runoff from the site will be directed through a sump immediately adjacent to the construction pad. This sump will be approximately 5 ft. long x 5 ft. wide x 3 ft. deep. A hay bale dike will be placed in such a manner that the overflow from the sump must pass through the hay prior to entering the receiving stream. The sump will be cleaned when it is less than full with sediment.

**LANDOWNERS**



OHIO DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF RECLAMATIONATTACHMENT 8  
(SURFACE OWNERS' CONSENTS)Applicant's Name The Ohio Valley Coal Company

This attachment may be completed and submitted with the permit application if the response to item C.(2) in Part 1 of the permit application is "yes."

I (We) the undersigned, hereby consent to the proposed surface mining of coal by the above named applicant on the lands described below on which I (We) are the legal surface owner(s) of record.

Owner's name \_\_\_\_\_

Owner's Signature \_\_\_\_\_ Date \_\_\_\_\_

County \_\_\_\_\_ Township \_\_\_\_\_

Sections \_\_\_\_\_ Lots \_\_\_\_\_ Acres \_\_\_\_\_

Owner's name \_\_\_\_\_

Owner's Signature \_\_\_\_\_ Date \_\_\_\_\_

County \_\_\_\_\_ Township \_\_\_\_\_

Sections \_\_\_\_\_ Lots \_\_\_\_\_ Acres \_\_\_\_\_

Owner's name Francis EarliwineOwner's Signature Francis Earliwine Date 3-28-95County Belmont Township SmithSections 22 Lots 73 Acres 86.8

Owner's name \_\_\_\_\_

Owner's Signature \_\_\_\_\_ Date \_\_\_\_\_

County \_\_\_\_\_ Township \_\_\_\_\_

Sections \_\_\_\_\_ Lots \_\_\_\_\_ Acres \_\_\_\_\_

\* Proposed surface mining of coal shall consist of site preparation and sinking of an air shaft. A fan will be located at this air shaft also.

I, the undersigned, state that the pre-mining landuse for this property was woodland/pastureland. I agree that the post-mining land use will be woodland/pastureland following reclamation. In addition, I agree that the road will be used for access following reclamation.

James Earline

3-28-95  
Date



**VALID EXISTING RIGHTS**

### Valid Existing Rights

Valid existing rights for the Powhatan No. 6 Mine exist as shown on the following page. This is excerpted from the original D-0360 permit and the D-0360-3 permit revisions. The mining rights in this area were obtained by the Empire Coal Company in 1901. The property was transferred to the Rail and River Company in 1907, then to The North American Coal Corporation in 1951, then to The NACCO Mining Company in 1970. The NACCO Mining Company changed its name to The Ohio Valley Coal Company in 1988.



ADDENDUM TO PAGE 11, PART 1, C(1)(b)  
PAGE EIGHT

Item 27: Deed Rights to Tract 71

Mining Rights: Party of Second part to have the free and uninterrupted right of way into and under said land at such points and in such manner as may be proper and necessary for the purpose of digging, mining, draining and ventilating, and carrying away said coal (hereby waiving all surface damages or damages of any sort arising therefrom or from the removal of all of said coal), together with the privilege of mining and removing through said described premises, other coal belonging to said party of the Second part, its successors and assigns, or which may hereafter be acquired.

Item 28: Deed Rights to Tract 72

Mining Rights: Party of Second part to have the free and uninterrupted right of way into, and under said land, at such points, and in such manner as may be proper and necessary for the purpose of digging, mining, draining and ventilating, and carrying away said coal (hereby waiving all surface damages, or damages of any sort arising therefrom or from the removal of all of said coal), together with the privilege of mining and removing through said described premises other coal, belonging to said party of the second part, its successors and assigns, or which may hereafter be acquired.

Item 29: Deed Rights to Tract 73

Mining Rights: Party of Second part is to have the free and uninterrupted right of way into and under said land, at such points, and in such manner as may be proper and necessary for the purpose of digging, mining, draining and ventilating, and carrying away said coal, (hereby waiving all surface damages, or damages of any sort, arising therefrom or from the removal of all of said coal), together with the privilege of mining and removing through said described,, premises, other coal belonging to said party of the second part, its successors and assigns, or which may hereafter be acquired.

Item 30: Deed Rights to Tract 76

Mining Rights: Together with the free and uninterrupted right of way into, on and under said land at such points and in such manner as may be proper and necessary for the purpose of digging, mining, draining and ventilating by airshafts and otherwise and of carrying away the coal, together with the privilege of mining and removing through the above described premises other coal belonging to the Grantee, its successors or assigns, or which may hereafter be acquired; together with any other mining rights, options and privileges now owned by the Grantors in connection with the above described coal.

**PRIME FARMLAND DETERMINATION**



OHIO DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF RECLAMATION

ATTACHMENT 16  
(NEGATIVE DETERMINATION OF PRIME FARMLAND)

Applicant's Name The Ohio Valley Coal Company

This attachment is to be completed and submitted with the permit application if the applicant is demonstrating that the permit area or a portion of the permit area is not prime farmland. Check (✓) the appropriate item numbers and attach the documents used to make the demonstration.

- ☐ 1. Lands within the proposed permit area have not been historically used for cropland.
- ☐ 2. The slope of the land within the proposed area is greater than eight percent.
- ☒ 3. On the basis of a second order soil survey meeting the standards of the National Cooperative Soil Survey, there are no soil map units within the proposed permit area that have been designated prime farmland by the U.S. Soil Conservation Service.
- ☐ 4. On the basis of a first order soil survey commissioned by the applicant and meeting the standard of the National Cooperative Soil Survey, there were found to be no prime farmland map units as designated by the S.C.S. within the proposed permit area (see Attachment 15, item 2 for 1st order survey criteria).



## Prime Farmland

Scale - 1" = 1320'

BELMONT COUNTY, OHIO NO. 45

This map is compiled on 1973 aerial photography by the U. S. Department of Agriculture, Soil Conservation Service and cooperating agencies. Coordinate grid ticks and land division corners, if shown, are approximately positioned.





**VARIANCE REQUESTS AND WAIVERS**





May 1, 1996

Ms. Lisa Morris, Chief  
Division of Mines and Reclamation  
Ohio Department of Natural Resources  
1855 Fountain Square Court  
Columbus, Ohio 43224

Dear Ms. Morris:

The Ohio Valley Coal Company respectfully requests a small area drainage exemption for the enclosed Incidental Boundary Revision pursuant to OAC 1501:13-9-04 B(3)(a). An area of 0.8 acres will be developed for a substation site. The site is located in Belmont County, Smith Township, Section 22.

The area will be covered with a durable, non-erodible surface and the drainage will be controlled with the use of a construction sump (5 ft. x 5 ft. x 3 ft.), hay bale dikes, and silt fencing during construction. The silt fence will be placed to prevent sediment from entering the stream during construction and will be removed after the area has been seeded and vegetation has been established.

Any discharge from this area, including discharge from the sump, will meet effluent limitations. If you have any questions, please contact me.

APPROVED	<input checked="" type="checkbox"/>
DISAPPROVED	<input type="checkbox"/>
DATE:	8/6/96
SIGNED	Lisa J. Morris / by D. Bartsch Chief

Sincerely,  
THE OHIO VALLEY COAL COMPANY

*David L. Bartsch*

David L. Bartsch, P.E.  
Environmental Coordinator and  
Permit Administrator

cc: File





May 1, 1996

Ms. Lisa Morris, Chief  
Division of Mines and Reclamation  
Ohio Department of Natural Resources  
1855 Fountain Square Court  
Columbus, Ohio 43224

Dear Ms. Morris:

The Ohio Valley Coal Company respectfully requests a waiver to disturb an area within 100 ft. of a road, based on the company's legal rights to be within this specified distance. Disturbance to the area will be minimal, and only a portion of this site will be within this limited area. The area will be used for a substation, and no actual surface mining (coal removal) will occur. An Incidental Boundary Revision (IBR) is enclosed with this request.

The existing rights to be within this specified distance are covered in the valid existing rights portion of the IBR application.

If you have any questions, please contact me.

Sincerely,  
THE OHIO VALLEY COAL COMPANY

David L. Bartsch, P.E.  
Environmental Coordinator and  
Permit Administrator

cc: File



July 5, 1996

Ohio Valley Coal Company  
56854 Pleasant Ridge Rd.  
Alledonia, OH 43902

Gentlemen:

This letter is to notify you that bond and fees are due for the incidental boundary revision on permit #D-0360.

If the I.B.R. is for an issued permit and is complete, upon receipt of the acreage fee and bond, in the amounts listed below, your incidental boundary revision will be approved.

Bond	\$ <u>2,000.00</u>
Fee	\$ <u>60.00</u>



*Paid 8-5-96 still need bond*

The check for acreage fee should be made payable to the State of Ohio. Please refer to Policy/Procedure Directive Bonding 93-1 for instructions and guidelines for properly filing bond and fees.

If the I.B.R. has been affected, the bond and fees shall be submitted together within 30 days of receipt of this letter. Failure to submit bond and fees within the allotted time could result in an enforcement action.

Should you have any questions regarding the bond and fees, contact me at (614)265-6640. Questions regarding the incidental boundary revision should be directed to Joyce Schramm at (614)265-6625.

Sincerely,

Terri Hufford  
Bonding Supervisor  
Div. Of Mines & Reclamation

c: Scott Stiteler